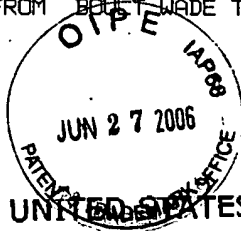


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66307-291-7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) PATENT
Anthony Fred MERCURIO et al.) GROUP: 1712
Serial No.: 10/702,041) EXAMINER: METZMAIER, Daniel S.
Filed: November 6, 2003) CUSTOMER NO. 25269
AEROSOL DELIVERY SYSTEM) CONFIRMATION NO. 7411

DECLARATION UNDER 37 CFR §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Anthony Fred Mercurio and Derek Alfred Wheeler, hereby
declare and state as follows:

1. We are the named co-Inventors of the invention described and claimed in the above-identified U.S. patent application.
2. We have received and reviewed the Office Action of December 14, 2005 and have noted that examiner's rejection of claims 1-11 based on U.S. Patent No. 6,881,757 to Moodycliffe et al.
3. With respect to the examiner's rejection of claim 9, which is directed to the inventive aerosol composition as a polish, an air freshener, a repellant, a pre- or post-shave preparation, a shaving preparation, or a follicle softener, we assert that we invented this subject matter prior to

November 8, 2002, which is the effective date of the Moodycliffe et al. patent.

4. With respect to our statement in the foregoing paragraph, we attach copies of pages from our laboratory notebook kept in the normal course of our employment which shows that we created a biliquid foam polish formulation as early as September 14, 2001 (see documents 100-53, 100-55, 100-86, 100-87, 100-88, 100-89), an insect repellent formulation as early as March 21, 2002 (see documents 100-178, 100-224), a biliquid foam after-shave formulation as early as December 13, 2001 (see document 100-109), a biliquid foam shave formulation as early as September 8, 2002 (see documents 100-179, 100-225), a biliquid foam shave or furniture polish formulation as early as December 12, 2001 (see document 100-110), and a biliquid foam air freshener formulation as early as March 21, 2002 (see documents 100-179, 100-225).

We furthermore declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Anthony F. Mercurio

6/19/06
Date


Derek Alfred Wheeler

16/06/06
Date

Durable Belding Tissue Shave

Project Promise 100-53-1

		amount of product-->		40%	
		%	g	40 <-in grams	
Bl Liquid Foam					
Mineral oil	SC Johnson	49.10	19.64	7.555	
200 fluid 1000cts	Dow Corning	20.00	8.00	3.2	
200 fluid 1000cts	Croda	20.00	8.00	3.2	
Laureth 4	House	0.90	0.36	0.144	
1% SLES in HOH	House	10.00	4.00	1.6	0.016 1.584
		100.00	40.00	16	

Working	Amount-->	100.00
1% Carbomer	8.00	8.00
bl Liquid foam	40.00	40.00
phenolip	0.05	0.05
nash	0.53	0.53
Water	51.42	51.42
	100.00	100.00

Formula 100-5-1

Water	81.20
Carbomer	0.20
Mineral oil	9.82
PDMS 100 cts.	4.00
PDMS 1000 cts.	4.00
Laureth-4	0.16
SLES	0.02
preservative	0.05
NaOH	0.53
	100.00

Ingredient	%w/w
Water	83.25
Carbomer	0.08
Mineral oil	19.84
PDMS 100 cts.	8.00
PDMS 1000 cts.	8.00
Laureth-4	0.36
SLES	0.04
preservative	0.05
TEA	0.53
Fragrance	0.05
Total	100.00

Project Promise 100-53-2

		amount of product-->		40%	
		%	g	40 <-in grams	
Bl Liquid Foam					
Mineral oil	SC Johnson	49.10	19.64	7.555	
200 fluid 1000cts	Dow Corning	20.00	8.00	3.2	
200 fluid 1000cts	Croda	20.00	8.00	3.2	
Alkoxylated Fatty Alcohol	House	0.90	0.36	0.144	
1% SLES in HOH	House	10.00	4.00	1.6	0.016 1.584
		100.00	40.00	16	

Working	Amount-->	100.00
1% Carbomer	8.00	8.00
bl Liquid foam	40.00	40.00
phenolip	0.05	0.05
nash	0.53	0.53
Water	51.42	51.42
	100.00	100.00

Formula 100-5-1

Water	81.20
Carbomer	0.20
Mineral oil	9.82
PDMS 100 cts.	4.00
PDMS 1000 cts.	4.00
Laureth-4	0.16
Alkoxylated Fatty Alcohol	0.02
preservative	0.05
NaOH	0.53
	100.00

Ingredient	%w/w
Water	83.25
Carbomer	0.08
Mineral oil	19.84
PDMS 100 cts.	8.00
PDMS 1000 cts.	8.00
Laureth-4	0.36
Alkoxylated Fatty Alcohol	0.04
preservative	0.05
TEA	0.53
Fragrance	0.05
Total	100.00

Both water and PFT 5.50
 #1 signed to separate part
 #2 use C.W. 8.3 and 2.500

9/11/2001

flav

Original Formula of 500ml room w. (Kleat)

Bi-Liquid Foam	Amount in Formula	% of FA	500
Mineral oil	Kleatol	80.00	84.36 424.29
200 fluid 100cts	Dow Corning	2.00	2.12 10.61
200 fluid 1000cts	Dow Corning	2.00	2.12 10.61
Laureth-4	House	0.85	0.90 4.50
1%Alkoxylated Fatty Alcohol(sq)	House	9.43	10.00 50.00
		94.28	100.00 500.00

% in formula →

94.28

Standard Formula	%
Water	14.93
Carbomer / TPA / B12	0.08
Mineral oil / TPA / B12	80.00
DC-200 fluid 100cts	2.00
DC-200 fluid 1000cts	2.00
Laureth-4	0.85
Ethoxylated/Propoxylated fatty Alcohol	0.05
Phenonip	0.05
Total	100.00

Manufacturing		500
Water	1.67	8.35
2% Carbopol 980/TEA	4.00	20.00
Bi-Liquid Foam	94.28	471.40
Phenonip	0.05	0.25
	100.00	500.00

9/1/2001

Title

Original Formula

Mineral oil / TPA / B12
 DC-200 fluid 100cts
 DC-200 fluid 1000cts
 Laureth-4
 Ethoxylated/Propoxylated fatty Alcohol
 Phenonip

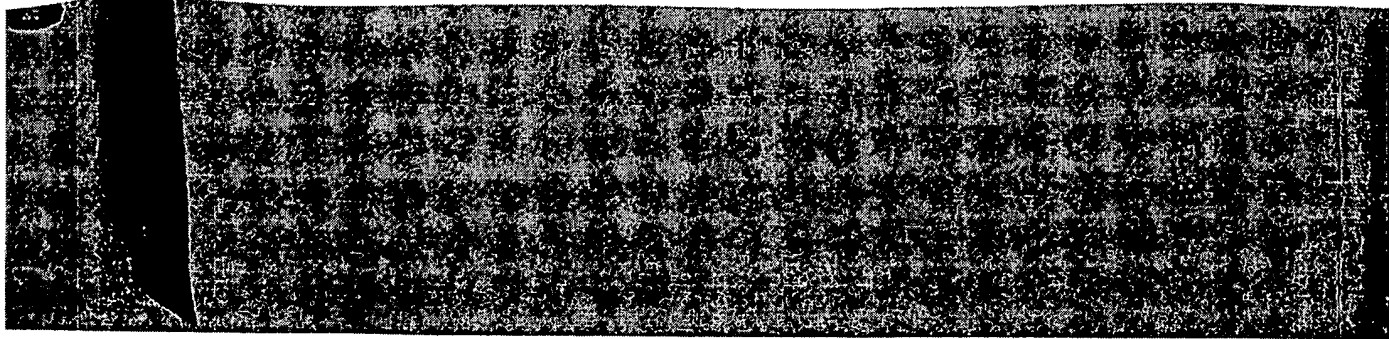
* ~~DC-200 fluid 100cts~~ ~~DC-200 fluid 1000cts~~ ~~Laureth-4~~ ~~Ethoxylated/Propoxylated fatty Alcohol~~ ~~Phenonip~~
 * ~~DC-200 fluid 100cts~~ ~~DC-200 fluid 1000cts~~ ~~Laureth-4~~ ~~Ethoxylated/Propoxylated fatty Alcohol~~ ~~Phenonip~~

* ~~DC-200 fluid 100cts~~ ~~DC-200 fluid 1000cts~~ ~~Laureth-4~~ ~~Ethoxylated/Propoxylated fatty Alcohol~~ ~~Phenonip~~
 * ~~DC-200 fluid 100cts~~ ~~DC-200 fluid 1000cts~~ ~~Laureth-4~~ ~~Ethoxylated/Propoxylated fatty Alcohol~~ ~~Phenonip~~

Saguna 27003 704

9/15/2001

SUPER CONCENTRATION



Project Promise 100-86

	Amount in Formula	% in Foam %	amount of product → g	120.000 ← in grams
Bi-Liquid Foam				
Mineral oil SC Johnson	10.000	52.41	62.89	
SC Johnson 20cTs SCJ	7.000	36.69	44.03	
Laureth 4 House	0.172	0.90	1.08	
1% SLES(aq) House	1.908	10.00	12.00	
	19.080	100.00	120.00	

19.079685

Working	Amount →	500.000
1% Carbomer/TEA	8.000	40.000
Bi-Liquid foam	19.080	95.398
phenonip	0.050	0.250
DC AF	1.000	5.000
Water	71.370	359.352
	100.000	500.000

Ingredient	%wtw
Water	61.949
Carbomer	0.080
Mineral oil	10.000
PDMS 20 cts.	7.000
Laureth-4	0.172
SLES	0.019
preservative	0.050
TEA	0.530
DC AF	0.200
Total	100.000

Handwritten notes:
100-86
100-86

87

Unactive

RU

100-87 & increase
 100-87 & increase

30% c

Project Promise

100-87

		Amount in Formula	% in Foam	amount of product-->	220.000 <--in grams
Bi-Liquid Foam			%	g	
Mineral oil	SC Johnson	30.000	72.24	158.94	
SC Johnson 20cTs	SCJ	7.000	16.86	37.08	
Laureth 4	House	0.374	0.90	1.98	
1% SLES(aq)	House	4.153	10.00	22.00	
		41.526	100.00	220.00	
		41.52637486			

Working	Amount-->	500.000
1% Carbomer/TEA	8.000	40.000
Bi-Liquid foam	41.526	207.632
phenonip	0.050	0.250
DC AF	1.000	5.000
Water	49.424	247.118
	100.000	500.000

Ingredient	%w/w
Water	61.725
Carbomer	0.080
Mineral oil	30.000
PDMS 20 cts.	7.000
Laureth-4	0.374
SLES	0.042
preservative	0.050
TEA	0.530
DC AF	0.200
Total	100.000

100-87 & increase
 100-87 & increase

100-87 & increase
 100-87 & increase

88

COX-1000

INCREASE in foam

100% 40%

TEA 7/T

Project Promise 100-88

		Amount in Formula	% in Foam	amount of product-->	280.000 <--in grams
BI-Liquid Foam			%	g	
Mineral oil-Klaarol(Witco)	SC Johnson	40.000	75.83	212.32	
SC Johnson 20cTs	SCJ	7.000	13.27	37.16	
Laureth 4	House	0.475	0.90	2.52	
1% SLES(aq)	House	5.275	10.00	28.00	
		52.750	100.00	280.00	

52.74971942 <---Calculation

Working	Amount-->	500.000
1% Carbomer/TEA	3.000	40.000
BI-Liquid foam	52.750	263.749
phenonip	0.050	0.250
DC AF	1.000	5.000
Water	38.200	191.002
	100.000	500.000

Ingredient	%w/w
Water	51.612
Carbomer	0.080
Mineral oil	40.000
PDMS 20 cts.	7.000
Laureth-4	0.475
SLES	0.053
preservative	0.050
TEA	0.530
DC AF	0.200
Total	100.000

100% 40%

DIT-20

100%

40%

increase

OBJECTIVE: INCREASE MINERAL OIL
LEVEL TO 50%

REF 100.00

TEA 1/1

Project Promise

100-89

		Amount in Formula	% in Formula	Amount of product ->	330.000 ← in grams
			%	g	
BI-Liquid Foam					
Mineral oil-Klearol(Witco)	SC Johnson	50.000	78.16	257.92	
SC Johnson 20cTs	SCJ	7.000	10.94	36.11	
Laureth 4	House	0.576	0.90	2.97	
1% SLES(aq)	House	6.397	10.00	33.00	
		63.973	100.00	330.00	

63.97306397 ← Calculation

Working	Amount →	500.000
1% Carbomer/TEA	8.000	40.000
BI-Liquid foam	63.973	319.865
phenonip	0.050	0.250
DC AF	1.000	5.000
Water	26.977	134.885
	100.000	500.000

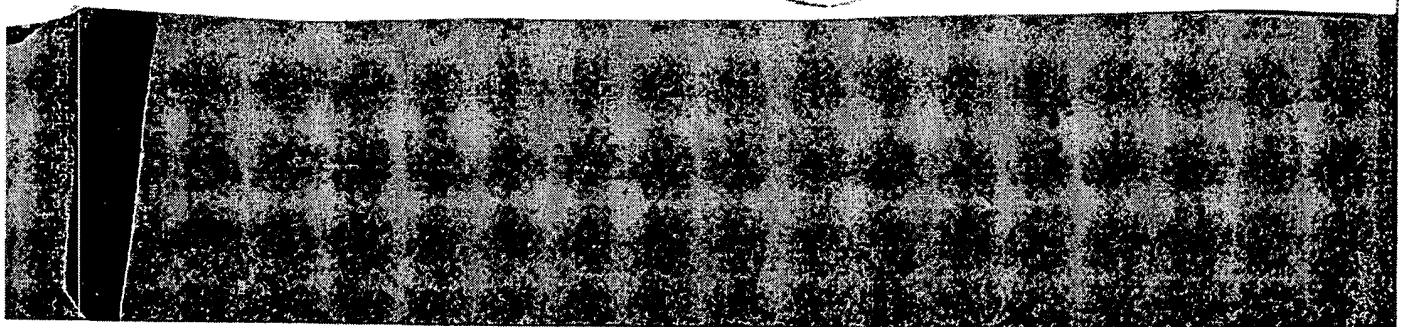
Ingredient	%w/w
Water	41.600
Carbomer	0.080
Mineral oil	50.000
PDMS 20 cts.	7.000
Laureth-4	0.576
SLES	0.964
preservative	0.050
TEA	0.530
DC AF	0.200
Total	100.000

2011

DAD

1/1

01



128

ORIENTATION

6% DEET prototype spray-160111-2

DRK
3/21/002

Spray DEET
100-179

	Formula Amount	% In Foam	Amount-->	190
DEET	6.000	33.41	63.48	
Triphenylmethicone	6.000	27.84	52.90	
Octyl Stearate	5.000	27.84	52.90	
PEG-30 Castor Oil	0.162	0.80	1.71	
1% SLES(aq)	1.796	10.00	19.00	
	17.957	100.00	190.00	
	17.95735129			

Standard Formula	%	1000.00
Water	76.443	764.43
1% Ultraz	5.000	50.00
Titanium Dioxide	0.500	5.00
PA	17.957	179.57
Isopar Germall Plus	0.100	1.00
Total	100.000	1000.00

DRK

3/21

02

277

General
 August
 1991

100-224
 DEET Creamy Lotion

Formula Amount				Amount(g)
		% in Formula	% in Foam	
Isopropyl Myristate	Protomene	5.00	18.56	27.84
DEET	SCJ	10.00	37.13	55.80
Diisopropyl Adipate	ISP	4.00	14.85	22.28
DC 245	Dow Corning	5.00	18.56	27.84
PEG 35 Castor Oil	Croda	0.24	0.90	1.39
SLES	Cognis	2.89	10.60	15.90
		28.94	100.00	150.00
26.336		0.24		

Manufacturing		%	Amount-->	500.00
Water		70.06	350.320	
Crothix Liquid	Croda	1.00	5.000	
Sepigel	Seppic	1.50	7.500	
Liquid Germall Plus	Isop	0.50	2.500	
BI-Liquid Foam		28.94	134.680	
		100.00	500.000	

[Handwritten signature]
 Harold Mabe

9/9
 9/9

02
 02

OBJECTIVE: POLSCT- ALCOHOL- RASINAC
GEC w/ SURFACED
FACILITATE.

100-109

Alcohol After Shave Lotion(SCJ)

	Formula Amount	% in Foam	Amount-->	120
Caprylic/Capric Triglyceride	3.000	21.38	25.66	
Diisopropyl Adipate	4.000	28.51	34.21	
Gransil BBW-5	2.000	14.26	17.11	
DC200-5cTs	2.000	14.26	17.11	
Fragrance(red Raspberry)	1.500	10.69	12.83	
Peg 25 Hydrogenated Castor Oil	0.063	0.45	0.54	
Peg 30 Castor Oil	0.063	0.45	0.54	
Water	1.403	10.00	12.00	
	14.029	100.00	120.00	
14.0291807	0.126			

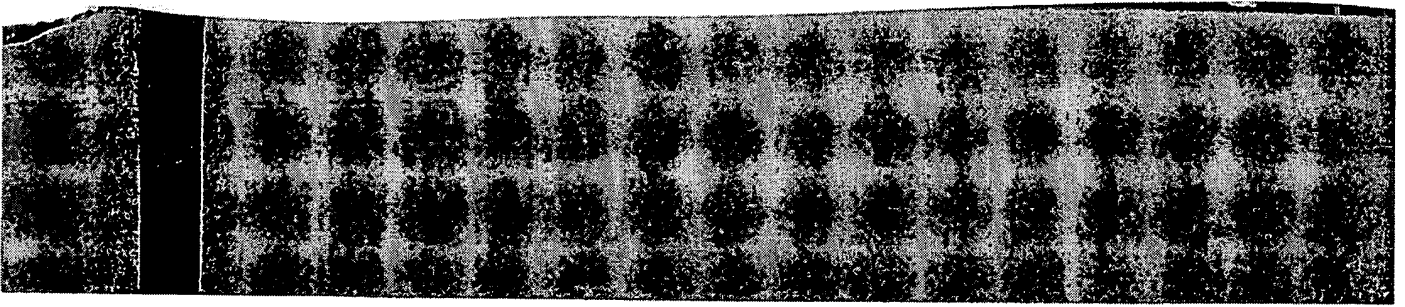
	Amount-->	500
Water	37.221	186.10
2% Ultrez/TEA	16.000	80.00
Denatured Alcohol	20.000	100.00
Glycerin	2.000	10.00
Allantoin	0.250	1.25
2% Xanthan Gum	10.000	50.00
Hydrolyzed Oat Protein	0.500	2.50
PA	14.029	70.15
	100.000	500.00

PH 6.2 GEC RASINAC 5.81
12/15/10
0.17

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12/15

61



Effective

5/21/99

U

1/1/99

1/1/99

1/1/99

1/1/99

1/1/99

100-211
Shave Product Prototype

Formula Amount	% in Formula	% in Foam	Amount-->	100.00
Isopentane	10.000	68.100	68.10	
Octad-2	0.101	0.900	0.90	
1% SLES/Water	1.122	10.000	10.00	
	11.223	100.000	100.00	
		0.101		

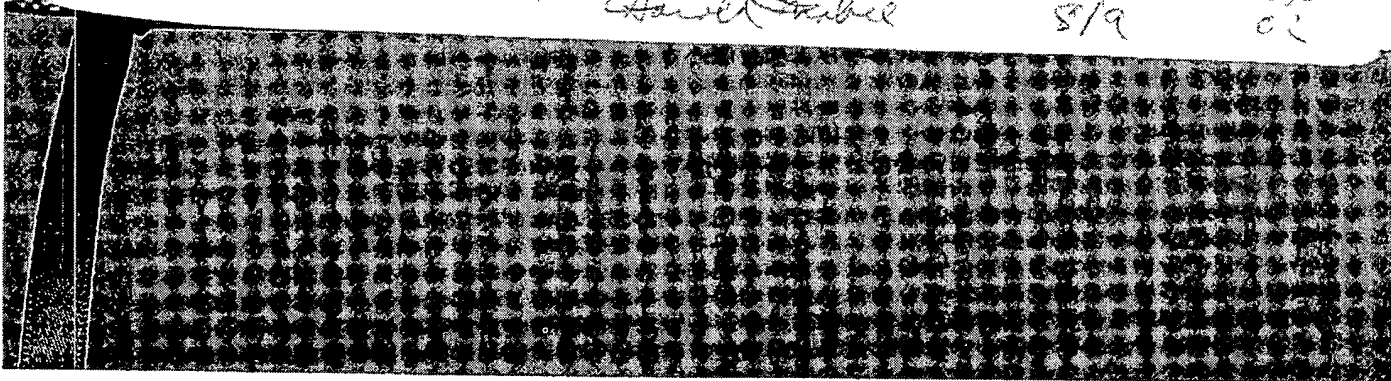
Manufacturing			500.00
Water	36.477	182.363	
Carbopol Aqua SF-1/TEA	7.000	35.000	
Sodium Lauryl Sulfoacetate	24.500	122.500	
Ammonium Cocoyl Isoethionate	2.500	12.500	
Glydenn	4.000	20.000	
Cocamidopropyl Betaine	5.700	28.500	
Ammonium Lauryl Sulphate	8.100	40.500	
B-Liquid Foam	11.223	56.117	
Liquid Germall Plus	0.500	2.500	
	100.000	500.000	

9/1

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8/9

02



110

02/10/05

02/10/05 A 3-17-10 Form
with some corrections; 5.05

100/110

Standard Formula	%
Water	9.90
Isododecane	69.10
BYK-LP X 20191 Silicon	20.00
Laureth-4	0.90
SLES	0.10
Total	100.00

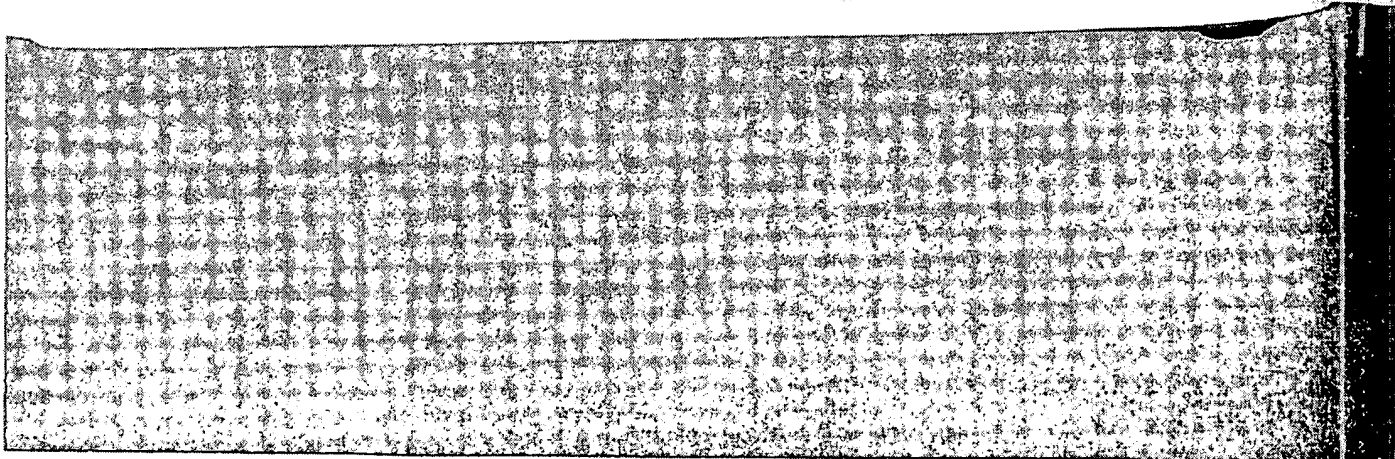
2-17-10

Sample Sent

2-17-10

12/12

01



Objective of Formulas 100-245
through 100-255

100-245

Objective is to get Fragrance into water phase and have an ingredient prevent the migration of fragrance to the Isopentane

Bi-Liquid Foam Reference 100-225(9/9/2002)

Formula Amount						Amount(g)
Ingredient	Trade Name	Supplier	% in Formula	% in Foam		150.000
Fragrance	Fragrance	SCJ	0.3000	89.100		133.650
PEG 35 Castor Oil	Etocas 35	Croda	0.0030	0.900		1.350
1%SLES(Aq)	Standopol-ES 2	Cognis	0.0337	10.000		15.000
			0.3367	100.000		150.000
			0.0030			

Manufacturing						Amount(g)
Ingredient	Trade Name	Supplier	Formula %	Amount->		60.000
Water	Water	House	89.6633	53.798		
Bi-Liquid Foam	Bi-Liquid Foam	House	0.3367	0.202		
Polyquaternium-11	Gafquat 755N	ISP	5.0000	3.000		
Isopentane	Isopentane	Triple Crown	5.0000	3.000		
			100.0000	60.000		

Procedure for Bi-Liquid Foam is standard as pertains to patent.
Procedure. Mix water Quat-11/add Bi-Liquid Foam mix/add Isopentane mix.

→ Combine Bi-Liquid Foam containing Fragrance
into water and isopentane trying to
get a homogeneous system.

made by 10/24/02

[Signature]
Hult Markel

9/13
10/24/02

02
02

OBJECTIVE 1

SCJ Room Freshener

WIDE W/C PROPORTION

Confidential

5/13/2002 9:46 AM

Handwritten signature and date: 5/13/2002

100-179

SCJ Room Freshener

SCJ Fragrance

Laureth-4

1%SLES(Aq)

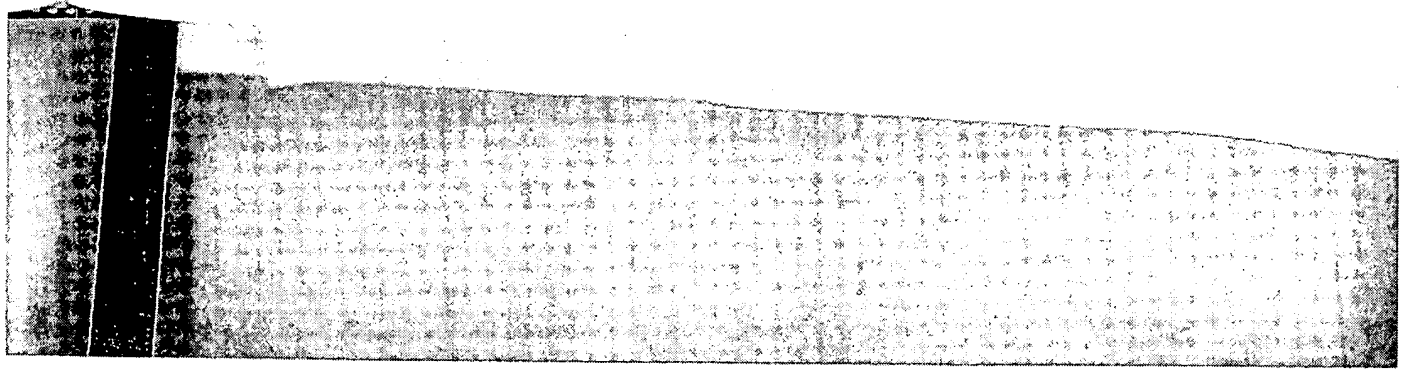
	Formula Amount	% in Foam	Amount	10
	0.300	89.10	8.91	
	0.003	0.90	0.09	
	0.034	10.00	1.00	
	0.337	100.00	10.00	
0.335700337	0.003			
		Amount->	1000	
Water	70.493	704.93		
2% Carbomer 980/TEA	2.670	26.70	79.16	
Propellant	26.500	265.00	0.34	
PA	0.337	3.37	26.50	
	100.000	1000.00	100.00	

Standard Formula	%
Water	73.14218
Carbomer	0.05340
TEA	0.001100
Fragrance	0.30000
Laureth-4	0.00300
SLES	0.00034
Propellant	26.50000
Total	100.00000

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8/21

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725

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8/5

R-Lp 2 Room Fragrance

100-225
Fragrance-Room Frehener

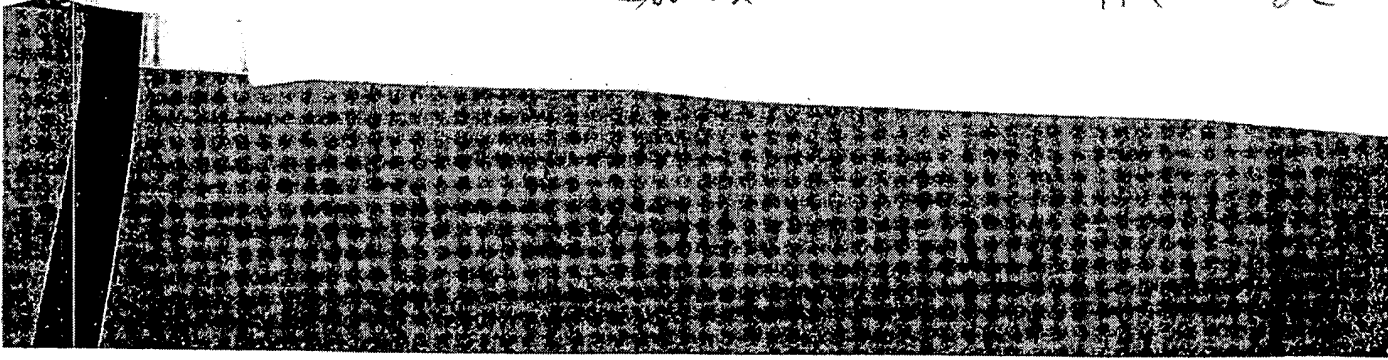
Formula Amount

		% in Formula	% in Foam	Amount(g)
Fragrance	IFF	10.00	8% 10	160.00
PEG 35 Castor Oil	Croda	0.10	0.80	133.66
SLES	Cognis	1.12	10.00	15.00
		11.22	100.00	150.00
		0.10		

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9/1/9 09
9/1/9 02



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